

Barry I. Levy (BL 2190)
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Counsel for Defendant, NYP Holdings, Inc. s/h/a News Corp.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL PAULINO,

-against- Plaintiff,

Docket No.:
CV 07-8593 (GBD)

NEWS CORP also known as NYP HOLDINGS, INC.
doing business as THE NEW YORK POST,

Defendant. _____X

**NOTICE OF MOTION
TO DISMISS, FOR SUMMARY JUDGMENT AND FOR SANCTIONS**

PLEASE TAKE NOTICE that upon (i) the Statement of Uncontested Facts Pursuant to Local Civil Rule 56.1; (ii) the Declaration of Barry I. Levy, Esq. (and accompanying exhibits); and (iii) Defendant's Memorandum of Law, Defendant, NYP Holdings, Inc. s/h/a News Corp. (hereinafter referred to as "NYP"), will move before this Honorable Court at the United States District Court for the Southern District of New York, located at 40 Centre Street, New York, New York 10007 on December 6, 2007 at 9:30 in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order dismissing the Plaintiff's Complaint and granting NYP summary judgment pursuant to Fed. R. Civ. Proc. 12(b)(6) and 56, as well as for the imposition of sanctions upon Plaintiff and his counsel pursuant to 28 U.S.C. §1927.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and memorandum of law must be served and filed pursuant to Local Civil Rule 6.1.

Dated: Uniondale, New York
November 8, 2007

Respectfully submitted,

RIVKIN RADLER LLP

By: /s/ Barry I. Levy
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A Member of the Firm
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Of Counsel:

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